

FILED

AUG 20 2009

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

| | | |
|---------------------------|---|----------------|
| UNITED STATES OF AMERICA, |) | CR 09-33-M-DWM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| JUDY LYON HAMMACK, |) | |
| |) | |
| Defendant. |) | |
| |) | |

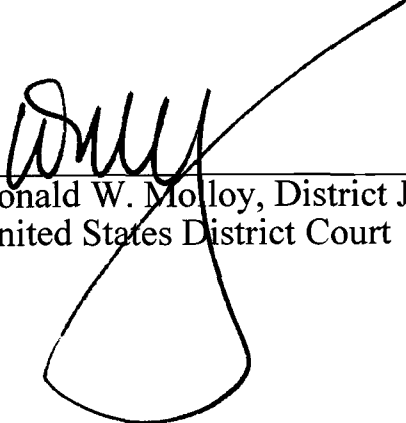
United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on July 30, 2009. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Judy Lyon Hammack’s guilty plea after Hammack appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered her plea of guilty to the charge of one count of bank fraud in violation of 18 U.S.C. § 1344(2), as set forth in the indictment.

I find no clear error in Judge Lynch’s Findings and Recommendation (dkt # 14) and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Dated this 19th day of August, 2009.



Donald W. Molloy, District Judge
United States District Court